

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Chris Anselmo, individually, and on behalf)	
of all others similarly situated)	C/A No. 9:09-2466-MBS
)
Plaintiff,)	
)
vs.)	ORDER
)
The West Paces Hotel Group, LLC; WPHG)	
Daufuskie Human Resources, LLS;)	
William R. Dixon, Jr., individually; Gayle)	
Bulls Dixon, individually; and Horst H.)	
Schulze, individually,)	
)
Respondent.)	
_____)	

Plaintiff Chris Anselmo, *pro se*, filed the within action on August 19, 2009 in the Court of Common Pleas for Beaufort County, South Carolina seeking lost wages, benefits and other damages. On September 18, 2009, Defendants West Paces Hotel Group, LLC (“WPHG”), WPHG Daufuskie Human Resources (“DHR”), and Horst H. Schultze (“Schultze”) removed the case to this court.

This matter is before the court on motion to dismiss filed by *pro se* defendant Gayle Bulls Dixon (“G. Dixon”) on February 17, 2010. Plaintiff filed a response in opposition to G. Dixon’s motion on February 19, 2010. On March 8, 2010, G. Dixon replied.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On April 13, 2010, the Magistrate Judge issued a Report and Recommendation in which he recommended that G. Dixon’s motion to dismiss be denied. G. Dixon filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, G. Dixon’s motion to dismiss (Entry 51) is denied, and Plaintiff is retroactively granted a forty-two (42) day extension of time in which to serve G. Dixon.

IT IS SO ORDERED.

s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 6, 2010.

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.